

House Bill 1224

By: Representatives Willard of the 49th, Cole of the 125th, Oliver of the 83rd, and Lindsey of the 54th

A BILL TO BE ENTITLED

AN ACT

To amend Part 7 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to delinquent and unruly children, so as to change provisions relating to disposition of delinquent children; to provide for the Department of Juvenile Justice to establish and operate a probation sanctions program for children charged with violations of probation; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 7 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to delinquent and unruly children, is amended by revising subsection (b) of Code Section 15-11-66, relating to disposition of a delinquent child, as follows:

"(b)(1) At the conclusion of the dispositional hearing provided in subsection (a) of Code Section 15-11-65, if the child is found to have committed a delinquent act, the court may, in addition to any other treatment or rehabilitation, suspend the driver's license of such child for any period not to exceed the date on which the child becomes 18 years of age or, in the case of a child who does not have a driver's license, prohibit the issuance of a driver's license to such child for any period not to exceed the date on which the child becomes 18 years of age. The court shall retain the driver's license for a period of suspension and return it to the offender at the end of such period. The court shall notify the Department of Driver Services of any such actions taken pursuant to this subsection. ~~If the child is adjudicated for the commission of a delinquent act, the court may in its discretion in those cases involving: (A) a violation of probation involving another adjudicated delinquent act and upon the court making a finding of fact that the child has failed to respond to the graduated alternative sanctions set forth in paragraph (2) of this subsection; (B) an offense that would be a felony if committed by an adult; or (C) an offense that would be a misdemeanor of a high and aggravated nature if committed by an adult and involving bodily injury or harm or substantial likelihood of bodily injury or~~

1 ~~harm, in addition to any other treatment or rehabilitation, order the child to serve up to~~
2 ~~a maximum of 60 days in a youth development center, or after assessment and with the~~
3 ~~court's approval, in a treatment program provided by the Department of Juvenile Justice~~
4 ~~or the juvenile court. A child ordered to a youth development center under this paragraph~~
5 ~~and detained in a secured facility pending placement in the youth development center~~
6 ~~shall be given credit for time served in the secured facility awaiting placement.~~

7 (2) Upon the adjudication of a charge of violation of probation for a child originally
8 placed on probation for a delinquent act, as defined in subparagraph (A) of paragraph (6)
9 of Code Section 15-11-2, and a finding that such child has failed to respond to graduated
10 sanctions, in addition to any other disposition authorized by this part the court may order
11 a child to a probation sanctions program administered by the Department of Juvenile
12 Justice pursuant to Chapter 4A of Title 49.

13 (3) Upon a child completing a seven day probation sanctions program, returning to the
14 community, and subsequently violating probation, the child may be required to complete
15 a 14 day or 30 day probation sanctions program; provided, however, that a child shall
16 complete a 14 day program before being ordered to attend a 30 day program and shall not
17 be allowed to repeat any probation sanction program previously completed.

18 (4) A child ordered into the probation sanctions program pursuant to this subsection shall
19 receive credit for time served in a secure facility prior to disposition.

20 (5) Upon the issuance of a court order for the probation sanctions program, a child shall
21 be admitted into the probation sanctions program if the Department of Juvenile Justice
22 determines that there is availability within the secure facility capacity dedicated to that
23 juvenile court.

24 (6) If a child is ordered into the probation sanctions program and completes all program
25 levels, such child shall not be eligible to attend a probation sanctions program for a future
26 violation of a condition of any probated sentence but shall be subject to other remedies
27 provided by this article.

28 (2)(7) The Department of Juvenile Justice, in conjunction with the Council of Juvenile
29 Court Judges of Georgia, shall establish and monitor a graduated alternative sanctions
30 program for children on probation. The graduated alternative sanctions program shall be
31 implemented in each judicial circuit in consultation with the judge of the juvenile court.
32 The graduated alternative sanctions program may include, but shall not be limited to,
33 community service, electronic monitoring, increased reporting or intensive supervision,
34 home confinement, day or evening reporting centers, or treatment intervention."

35 SECTION 2.

36 All laws and parts of laws in conflict with this Act are repealed.